IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 19367 of 1994

Between:

1 Nakkanti Satyanarayana S/o. Ganganna
Chinamallam Penugonda (M),
W.G.Dist.
2 Nakkanti Dorayya S/o. Venkata Rao
Chinamallam Penugonda (M),
W.G.Dist.

..... PETITIONERS

AND

1 The Dist. Collector.
Eluru W.G.DIST.
2 The Revenue Divisional Officer
Kovvur W.G.DIST.
3 L.M.Santha Devi W/o. Ramayya Manohar
29, 1st Main Road, Adayar
Madras 600 020

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of Mandamus, examine the records relating to Ex.P.1 and Ex.P.2 ie., Praja Sakthi dt: 4/10/94 and Visalandra Daily paper dt: 20/10/94 notifications under Sec.4(1) and 6 of the Land Acquisition Act in Ref.No.5/125/94 dt: 4/10/94 relating to S.No.126/1 of Ac. 4.42 cents of Chinamallam (V), Penugonda (M), W.G.Dist. and declare the same as illegal null and void and set aside the said proceedings and pass such other or orders in the circumstances of the case.

Counsel for the Petitioner:Sri YAMARTHI CHANDRASEKHAR

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO.19367 OF 1994

O R D E R:

The petitioners herein claiming to be the cultivating tenants of the lands in S.Nos.145, 141, 126 and 99 situated at Chinamallam Village, Penugonda Revenue Mandal, West Godavari District filed this writ petition challenging the acquisition proceedings, dated 20.10.1994 issued by the 1st respondent under Section 4(1) (6) of the Land Acquisition Act.

The case of the petitioners is that Section 4(1) notification was issued by the 1st respondent on 20.10.1994 and on the same day, Section 5(A) enquiry was dispensed with without giving any reasons. It is also their case that as the respondent authorities have already acquired some other lands of the temple, there is no need for them to provide any house sites to the weaker sections. Hence, the entire acquisition proceedings are liable to be quashed.

In the counter affidavit filed by the respondents it is stated that the land acquisition proceedings have been initiated by them after following the due procedure as contemplated under the Land Acquisition Act and if the petitioners are aggrieved, they can file their objections at the time of award enquiry.

As long back as on 31.10.1994, this Court has granted interim stay of dispossession

in W.P.M.P.No.23801 of 1994 and the same is still subsisting. As the award proceedings are still pending, I think that it would be just and proper to direct the respondents to hold an enquiry under Section 5(A) of the Act and pass appropriate orders in accordance with law after giving an opportunity of hearing to the petitioners.

The writ petition is allowed. No costs.

12.08.2004

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Twelfth day of August , Two thousand and Four.

Sd/-P.EKAMBARAM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, West Godavari District, Eluru

2.The Revenue Divisional Officer, Kovvur, West Godavari District

3. The G.P. for Revenue

4.2 C.D. Copies.

Kul.

Dt: 12-8-2004

Order

W.P.no. 19367 of 1994

Allowing the W.P. without costs.